

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Monday, February 3, 2003

Division One

A097623 -- David Collins et al. v. Overnite Transportation Company.

The Court: Order Modifying Opinion. It is ordered that the opinion filed herein on January 9, 2003, be modified in the following particulars: (See order.) There is no change in the judgment. Marchiano, P.J. (Certified for Publication.)

A098668 -- James Penna v. Davidon Homes, Inc., et al.

The judgment is affirmed. Swager, J. We Concur: Stein, Acting P.J., Margulies, J. (Not for Publication.)

A097332 -- The People v. Ishmael Wesley.

We affirm the trial court's judgment. Marchiano, P.J. We Concur: Stein, J., Margulies, J. (Not for Publication.)

Division Three

A098665 -- In re the Marriage of Renee C. and Kurt B. Fisher.

The orders dated February 28, 2002, and filed March 6, 2002, are reversed to the extent they set child support and permanent spousal support and deny Renee Fisher's request for attorney's fees. The matter is remanded to the superior court for further proceedings on the issues of child support, permanent spousal support, and Renee Fisher's request for attorney's fees. Appellant is awarded costs on appeal. McGuinness, P.J. We Concur: Parrilli, J., Pollak, J. (Not for Publication.)

Tuesday, February 4, 2003

Division Two

A099433 -- In re Kenneth H. et al., Persons Coming Under the Juvenile Court Law. Alameda County Social Services Agency v. Annette H.

The orders are affirmed. Ruvolo, J. We Concur: Kline, P.J., Haerle, J.
(Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Wednesday, February 5, 2003

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, P.J., Stein, J., Swager, J., and Margulies, J.; and B. Robbins, Deputy Clerk.

Justice Margulies did not participate in argument of first two cases.

A099213 Delta V-A Ltd., et al,
 v.
 Clean Power Technology, Inc., et al.

A097932 Delta V-A Ltd., et al.,
 v.
 State of California, et al.
Cause called for OSC and argued by Craig M. Hunt, on behalf of himself, and William Jenkins on behalf of State of California. The Court sanctioned Mr. Hunt \$1500 for failure to notify the court of his suspension from the State Bar and for filing documents during that time. The Clerk was directed to prepare an order regarding the sanctions and send copies to the parties and the State Bar.

A097102 Stephen Weissberg,
A097232 v.
 Rene Peinado.
Cause called and argued by William M. Guire, counsel for appellant, and Jeffrey H. Lowenthal, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Justice Swager left the bench and Justice Margulies participated in argument of the remainder of the morning session.

A097779 Steven M. Davis,
v.
M. Chrysa Long, et al.
Cause called and argued by James J. Corbelli, counsel for appellant, and Steven A. Hirsch, counsel for respondents. Cause ordered submitted.

A098642 Carlos F. Cervantes,
v.
Luxor Hotel.
Cause called and argued by Robert J. Rudolph, counsel for appellant, and Matthew F. Quint, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

MINUTES

CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION ONE

Wednesday, February 5, 2003

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, P.J., Swager, J., and Margulies, J.; and B. Robbins, Deputy Clerk.

A098621 Jeff Weigand, et al.,
 v.
 Robert C. Walden.
Cause called and argued by Barbara L. Gately, counsel for appellants, and Mark W. Plank, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Presiding Justice Marchiano left the bench and Justice Stein joined the bench and presided for the remainder of the session.

A096245 The People,
 v.
 Michael Fenili, et al.
Cause called and argued by Paul Kleven, counsel for appellant Fenili, and William Kuimelis, counsel for respondent. Counsel for both parties was granted 10 days to submit additional briefing.

A096823 The People,
 v.
 Maurice Williams.
Cause called and argued by Gloria C. Cohen, counsel for appellant, and Catherine McBrien, counsel for respondent. Counsel for appellant was granted 5 days to submit additional briefing. Counsel for respondent may respond 5 days thereafter.

A098488 Heller, Ehrman, White & McAuliffe,
A098489 v.
 Gemstar-TV Guide International, Inc.
Cause called and argued by Mitchell Langberg, counsel for appellant, and Joel D. Adler, counsel for respondent. Cause ordered submitted.

A099310 Calvin Y. York,
v.
Jill Corbett.
Cause called and argued by John B. Lytle, counsel for appellant, and David W. Ginn, counsel for respondent. Cause ordered submitted.

A094550 Redevelopment Agency of the City of Oakland,
A094919 v.
Edward L. Martin, et al.
Cause called and argued by Alice M. Beasley, counsel for appellant, and Jeffrey A. Leon, counsel for respondent O'Neil, and Thomas C. Nagle, counsel for respondent Martin. Cause ordered submitted.

Court Adjourned.

No cases were heard on Thursday, February 6, 2003.

Wednesday, February 5, 2003

Division Two

A098027 -- The People v. Juan Echeverra-Romero.

The judgment of conviction is affirmed. Ruvolo, J. We Concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

A099432 -- In re Joshua L., a Person Coming Under the Juvenile Court Law. The People v. Joshua L.

The judgment is affirmed. Ruvolo, J. We Concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

Division Four

A096855 -- The People v. Rene Moscoso.

The judgment is affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication.)

Division Five

A097856 -- Citibank, Federal Savings Bank v. Alexander Shen.

The judgment is reversed. The order granting summary judgment is reversed. The order granting summary adjudication of the causes of action for fraud, negligent misrepresentation, negligence, and conspiracy is reversed and remanded for further proceedings in the trial court. The order granting summary adjudication of the causes of action for conversion and constructive trust is affirmed. The parties shall bear their own costs on this appeal. Simons, J., We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

Thursday, February 6, 2003

Division Two

A095337 -- The People v. Richard Hodges.

A100072 -- In re Richard Hodges, on Habeas Corpus.

The judgment is affirmed. Kline, P.J. We Concur: Haerle, J., Ruvolo, J.
(Not for Publication.)

A097496 -- In re Earl P., a Person Coming Under the Juvenile Court Law. The People v. Earl P.

The judgment is affirmed. Lambden, J. We Concur: Kline, P.J., Haerle, J.
(Not for Publication.)

A098783 -- The People v. Brianna Nikol Williams.

The judgment is affirmed. Lambden, J. We Concur: Kline, P.J., Haerle, J.
(Not for Publication.)

Division Four

A099320 -- Luccet Guzman Mata, a Minor, etc. v. Mario Mata et al.

A099340 -- Francisco Rodriguez v. Mario Mata et al.

The Court: Order Modifying Opinion. It is ordered that the opinion filed January 30, 2003, be modified as follows: (See order.) This modification changes the judgment. Kay, P.J. (Certified for Publication.)

Division Five

A098705 -- Tom Church v. Zoe Peetom et al.

The judgment of dismissal is affirmed. Simons, J. We Concur: Stevens, Acting P.J., Gemello, J. (Not for Publication.)

Friday, February 07, 2003

Division One

A098642 -- Carlos F. Cervantes v. Ramparts, Inc.

The order quashing service of the summons and complaint on defendant Ramparts is affirmed. Margulies, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

A098041 -- The People v. Frank Glen Dominquez.

The judgment is affirmed. Marchiano, P.J. We Concur: Stein, J., Swager, J. (Not for Publication.)

A101386 -- Sanburn Construction Corporation v. The Superior Court of Solano County; Quiet Harbor Homeowners' Association et al., R.P.I.

By the Court:* Therefore, let a peremptory writ of mandate issue, commanding respondent County of Solano Superior Court in *Quiet Harbor Homeowners' Association v. Centex Real Estate Corporation, et al.*, and related cross-actions (No. 014519 (2000)) to set aside that portion of its January 3, 2003, order requiring production of documents in response to items 11 and 17 of the request for production of documents, to the extent the employment records include identifying information (§ 1985.6), and to instead require production of such documents only if all information which would in any way identify any employee is deleted. (§ 1985.6, subd. (h).) In all other respects, the petition for writ of mandate is denied. The stay previously imposed shall remain in effect until the remittitur issues. This opinion shall be final as to this court immediately. (Cal. Rules of Court, rule 24 (b)(3).) (Not for Publication.)

*Before Marchiano, P.J., Swager, J., and Margulies, J.

Division Two

A097107 -- California Advocates for Nursing Home Reform, et al. v. Diana M. Bonta, et al.

By the Court: The petition for rehearing is granted. Counsel for appellants are directed to file a response to the request for correction set forth in the petition for rehearing within 7 days from the date of this order. Kline, P.J.

Friday, February 07, 2003 (continued)

A097447 -- The People v. Seng Lia Her.

The judgment is affirmed. Ruvolo, J. We Concur: Kline, P.J., Haerle, J.
(Not for Publication.)

Division Three

A096935 -- The People v. Gordon Douglas Ramsey.

The judgment is affirmed. Pollak, J. We Concur: Corrigan, Acting P.J.,
Parrilli, J. (Not for Publication.)

Division Five

A095953 -- The People v. Angel Arias.

The judgment is affirmed. Simons, J. We Concur: Stevens, Acting P.J.,
Gemello, J. (Not for Publication.)

A098798 -- Efren Cervantes v. Farmers Insurance Exchange.

The judgment is affirmed. Jones, P.J. We Concur: Stevens, J., Gemello, J.
(Not for Publication.)

Monday, February 10, 2003

Division One

A099310 -- Calvin F. York v. Jill Corbett.

The order vacating the default judgment is affirmed. Stein, Acting P.J. We Concur: Swager, J., Margulies, J. (Not for Publication.)

Division Two

A101252 -- Valerie Laguillo v. The Superior Court of San Mateo County; Robert Laguillo, R.P.I.

By the Court:* We have reached our decision after notice to all parties that we might act by issuing a peremptory writ in the first instance. (*Palma v. U.S. Industrial Fasteners, Inc.* (1984) 36 Cal.3d 171, 177-180.) Father filed no opposition. The entitlement to relief is obvious and no purpose would be served by plenary consideration of the issue. (See *Alexander v. Superior Court* (1993) 5 Cal.4th 1218; *Ng v. Superior Court* (1992) 4 Cal.4th 29.) Accordingly, let a peremptory writ of mandate issue commanding respondent superior court to vacate its order compelling petitioner to submit to drug testing. Petitioner is entitled to costs. Our decision is final as to this court immediately. (Cal. Rules of Court, rule 24(b)(3).) (Not for Publication.)

*Before Kline, P.J., Haerle, J., and Ruvolo, J.

A098891 -- In re Rafael O., a Person Coming Under the Juvenile Court Law. The People v. Rafael O.

The order appealed from is affirmed. Haerle, Acting P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication.)

Division Three

A098912 -- In re Athena M., a Person Coming Under the Juvenile Court Law. Social Services Agency v. David M.

The judgment is affirmed. Corrigan, Acting P.J. We Concur: Parrilli, J., Pollak, J. (See concurring opn. by Pollak, J.) (Not for Publication.)

Monday, February 10, 2003 (continued)

A099385 -- The People v. David Maceira.

The judgment is affirmed. Pollak, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

A097874 -- Christopher Charles Moritz v. Kathleen B. Perkins

The appeal is dismissed. Respondent shall recover her costs on appeal. Parrilli, J. We Concur: McGuiness, P.J., Pollak, J. (Not for Publication.)

Division Four

A099686 -- The People v. Annette Viola Campbell.

The judgment is modified by striking the \$600 restitution fine imposed by the trial court. The \$200 restitution fine remains in force. As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment in accordance with this disposition and deliver it to the Department of Corrections. Reardon, J. We Concur: Kay, P.J., Rivera, J. (Not for Publication.)

A100816 -- The People v. Norman L. White.

The judgment is affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication.)

Division Five

A096083 -- The People v. Michael Glenn Braxton.

The judgment is reversed. Jones, P.J. We Concur: Simons, J., Gemello, J. (Certified for Partial Publication.)

A097988 -- The People v. Miroslav Merrick Danielik.

The judgment is affirmed. Gemello, J. We Concur: Jones, P.J., Simons, J. (Not for Publication.)

Monday, February 10, 2003 (continued)

**A101145 -- Tracy S. v. The Superior Court of Napa County;
Napa County Department of Health and Human Services, R.P.I.**

**A101151 -- Jose B. v. The Superior Court of Napa County;
Napa County Department of Health and Human Services, R.P.I.**

The father's petition for extraordinary writ review is dismissed. The order to show cause is discharged, and the mother's petition is denied on its merits. (Cal. Const., art. VI, § 14; Cal. Rules of Court, rule 39.1B(o); *Kowis v. Howard* (1992) 3 Cal.4th 888, 894.) The parents are barred in any subsequent appeal from making further challenges to the orders terminating reunification services and setting a hearing under section 366.26. (§ 366.26, subd. (1).) Because the section 366.26 hearing is set for February 25, 2003, our decision is final as to this court immediately. (Cal. Rules of Court, rule 24(b)(3).) The requests for stay are denied. Gemello, J. We Concur: Stevens, Acting P.J., Simons, J. (Not for Publication.)

A099541 -- Shirley Shears v. City of Fortuna, et al.

The judgment is affirmed. Gemello, J. We Concur: Stevens, Acting P.J., Simons, J. (Not for Publication.)

A095444 -- The People v. Michael Manjeet Singh.

The judgment of conviction is affirmed. Stevens, J. We Concur: Jones, P.J., Simons, J. (Not for Publication.)

Tuesday, February 11, 2003

Division One

A099146 -- Kia Chevalier v. R. Zaballos & Sons, Inc., et al.

The appeal is dismissed. Costs are awarded to the respondents. Swager, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

A099950 -- The People v. Derek Edward Sweeney.

The order revoking appellant's probation and the sentence imposed are affirmed. Marchiano, P.J. We Concur: Swager, J., Margulies, J. (Not for Publication.)

Division Two

A095454 -- The People v. Allegheny Casualty Company et al.

The judgment is reversed. The superior court is directed to vacate the forfeiture and exonerate liability on bail bond number AW16147, pursuant to section 1305, subdivision (c)(1). Ruvolo, J. We Concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

A098651 -- The People v. Susan Rosalyn Caporale.

The judgment is affirmed. Haerle, J. I Concur: Ruvolo, J. (See dissenting opinion by Kline, P.J.) (Not for Publication.)

A098058 -- The People v. Raymond Colby.

The judgment is affirmed. Kline, P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication.)

A099568 -- The People v. David Allen Evans.

The judgment is affirmed. Haerle, Acting P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication.)

Tuesday, February 11, 2003 (continued)

A097967 -- The People v. Thomas Clifton Jones.

The order extending appellant's probationary period is affirmed. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

A097257 -- Phoenix American Incorporated v. American Arbitration Association etc., et al.

The portion of the judgment awarding attorney fees is reversed and the matter remanded for proceedings consistent with the views expressed herein. In all other respects, the judgment is affirmed. Kline, P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication.)

Division Three

A099758 -- The People v. Cheryl Kaye Angeli.

The judgment is affirmed. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

A098191 -- The People v. James Baker.

The judgment is affirmed. Pollak, J. We Concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

A101215 -- Angela M. v. The Superior Court of Solano County; Solano County Department of Health and Social Services, R.P.I.

The petition for extraordinary relief is denied on the merits. (Cal. Const., art. no. VI § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894.) Because the permanency planning hearing is set for April 2, 2003, our decision is immediately final as to this court. (California Rules of Court, rule 24(b)(3).) Parrilli, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

Tuesday, February 11, 2003 (continued)

Division Four

A099058 -- The People v. Richard M. Smith.

The judgment is affirmed. Kay, P.J. We Concur: Reardon, J., Rivera, J.
(Not for Publication.)

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Thursday, February 13, 2003

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California.

Present: McGuiness P.J., Corrigan, J., Parrilli J., and C. Turner, Deputy Clerk.

A098336 James Bullard, et al.,
v.
San Francisco Residential Rent Stabilization, et al.,
Cause called and argued by Clifford E. Fried, counsel for appellant, and
Wayne K. Snodgrass, counsel for respondent. Cause ordered submitted.

A095894 Jacque Kidd,
v.
The Greenspan Company,
Cause called and argued by Robert Alan Goldstein, counsel for appellant,
and Michael von Loewenfeldt, counsel for respondent. Cause ordered
submitted.

Justice McGuiness left the bench. Justice Pollak took his place on the bench.

A096538 The People,
v.
Robert Lawrence Huffman,
Cause called and argued by Stephen L. Turer, counsel for appellant, and
David M. Baskind, counsel for respondent. Cause ordered submitted.

A099065 Ashley M. Moody, et al.,
v.
Tom Great Razooly,
Cause called and argued by Jason Kendall Singleton, counsel for appellant,
and Steven Allan Schectman, counsel for respondent arguing via-
teleconference. Cause ordered submitted.

court adjourned

Friday, February 14, 2003

Division One

A098621 -- Robert C. Walden v. Jeff Weigand et al.

We affirm the order denying the Weigand group's motion to recuse Plank. Marchiano, P.J. We Concur: Swager, J., Margulies, J. (Not for Publication.)

Division Two

A096763 -- Richelle L. v. Roman Catholic Archbishop of San Francisco et al.

The judgment is affirmed. Respondents are awarded their costs on appeal. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Certified for Publication.)

A097598 -- In re Justin R., a Person Coming Under the Juvenile Court Law. The People v. Justin R.

The judgment is affirmed. Lambden, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

Division Three

A097675 -- The People v. Michael Anthony Dodele.

The judgment is affirmed. Corrigan, J. We Concur: McGuiness, P.J., Pollak, J. (Not for Publication.)

Friday, February 14, 2003 (continued)

Division Five

A099318 -- Howard S. Wright Construction Co. v. The Superior Court of Alameda County; BBIC Investors, LLC, R.P.I.

Let a peremptory writ of mandate issue commanding the superior court to vacate its orders removing the mechanic's lien and expunging the notice of lis pendens and to conduct further proceedings on the action for foreclosure of a mechanic's lien. Jones, P.J. We Concur: Stevens, J., Gemello, J. (Certified for Publication.)

Tuesday, February 18, 2003

Division One

A098266 -- In re Cody M., et al., Persons Coming Under the Juvenile Court Law. Social Services Agency v. Linda M.

By the Court: Respondent's request for modification of opinion is denied. Marchiano, P.J.

Division Two

A091017 -- East Bay Municipal Utility District v. FMC Corporation, et al.

With the exception of the trial court's decision postverdict, prejudgment interest, the judgment is affirmed. The matter is remanded to the trial court to recalculate the appropriate award of interest in a manner consistent with the opinion. Costs on appeal to respondent. Haerle, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

A101625 -- In re Robert Licciardi, on Habeas Corpus.

By the Court: the petition for writ of habeas corpus is denied. Kline, P.J.

A101375 -- City of Lodi v. The Superior Court of San Francisco County; Twin City Fire Insurance Company, R.P.I.

By the Court: The petition for writ of mandate is denied. Kline, P.J.

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR
Tuesday, February 18, 2003

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Kay, P.J., Reardon, J., and Sepulveda, J.; Pamela Aguilar, Deputy Clerk; CHP Officer Vincent Chambers, Bailiff.

A086991 Patricia Henley

v.

Philip Morris USA, Inc.

Cause called. Murray Garnick argued on behalf of appellant Philip Morris USA, Inc. Daniel U. Smith argued for respondent. Cause submitted.

The Court adjourned at 2:24 p.m.

Tuesday, February 18, 2003 (continued)

Division Five

A097472 -- Cyril D. Ramer v. Christopher T. White.

The orders of the trial court are affirmed. Stevens, Acting P.J. We Concur:
Simons, J., Gemello, J. (Not for Publication.)

Wednesday, February 19, 2003

Division One

A099219 -- In re Eduardo A., a Person Coming Under the Juvenile Court Law. The People v. Eduardo A.

By the Court: The petition for rehearing is denied. Marchiano, P.J.

A099731 -- The People v. Robert C. Myers.

We find no arguable issues after a full review of the record and, accordingly, affirm the judgment. Swager, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

A094813 -- The People v. Michael Rollin Ormiston.

By the Court: The petition for rehearing is denied. Marchiano, P.J.

Division Three

A096547 -- The People v. Javier Garcia.

A100405 -- In re Javier Garcia on Habeas Corpus.

The judgment is affirmed. The petition for a writ of habeas corpus is denied. Corrigan, J. We Concur: McGuiness, P.J., Pollak, J. (Not for Publication.)

A092076 -- Darlene Kerns v. CSE Insurance Group.

The superior court lacked jurisdiction either to reconsider the earlier denial of summary judgment on respondent's motion, or to consider and rule upon respondent's reapplication therefor. The order granting respondent's motion for summary judgment is accordingly vacated, the judgment entered thereon is reversed, and the cause is remanded for consideration of the triable disputed issues of material fact identified in the original order denying summary judgment. Respondent shall pay appellant's costs on this appeal. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Certified for Publication.)

Wednesday, February 19, 2003 (continued)

A095894 -- Jacque Kidd v. The Greenspan Company.

The June 5, 2001, order is affirmed. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

Division Four

A099215 -- Early Anthony Bowling, Inc. v. Corrie Development Corporation; Dublin Land Company et al.

The order is reversed. Kay, P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

A098110 -- The People v. Aondray Peoples.

The order of probation is affirmed. Kay, P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

A094913 and A097069 -- Lucia Prado v. Fred Demato et al.

By the Court: The request for publication of the opinion filed January 21, 2003, is denied. (Kay, P.J., Reardon, J. and Sepulveda, J. joined in the decision.) Kay, P.J.

Division Five

A098889 -- In re Samuel C. et al., Persons Coming Under the Juvenile Court Law. Alameda County Social Services Agency v. Samuel C.

The order terminating parental rights is affirmed. Jones, P.J. We Concur: Stevens, J., Gemello, J. (Not for Publication.)

Thursday, February 20, 2003

Division One

A098420 -- In re Lela H., a Person Coming Under the Juvenile Court Law. Contra Costa County of Social Service Department v. Cheryl H.

The judgment is affirmed. Stein, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication.)

A101407 and A101408 -- Phil Linza v. The Diamond Center.

By the Court: The unopposed motion to consolidate filed by Paul Copansky on January 29, 2003 is granted. The appeals in A101407 and A101408 are hereby consolidated for purposes of briefing, oral argument and decision. The normal briefing schedule shall begin when the records on appeal in both cases have been filed. Both case numbers shall appear on all documents filed in the consolidated appeals. Marchiano, P.J.

Division Two

A097294 -- In re Kendall C., a Person Coming Under the Juvenile Court Law. Social Services Agency v. Victor C., et al.

By the Court: The petition for rehearing is denied. Haerle, Acting P.J.

A098169 -- In re Christopher J., a Person Coming Under the Juvenile Court Law. The People v. Christopher J.

The judgment is affirmed. Haerle, J. I Concur: Lambden, J. (See concurring opinion by Kline, P.J.) (Not for Publication.)

Division Three

A098091 -- The People v. Terome Landers.

The judgment is affirmed. Pollak, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

Thursday, February 20, 2003 (continued)

Division Four

A098496 -- The People v. Glen Foster Green.

The order of commitment is affirmed. Kay, P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

A096767 -- In re marriage of Helen Rippey and Dennis Rippey.

The trial court's judgment is affirmed except as to the division of wife's STRS pension, which order is reversed and remanded for division in accordance with the methods required under *In re Marriage of Brown, supra*, 15 Cal.3d 838. Wife shall recover her costs on appeal. Rivera, J. We Concur: Kay, P.J., Sepulveda, J. (Not for Publication.)

Division Five

A099714 -- The People v. Larry James Grissom.

The judgment is affirmed. Gemello, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

Friday, February 21, 2003

Division One

A098102 -- The People v. Pedro Navarro Gutierrez.

The judgment is affirmed. Margulies, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

A096304 -- In re Santos M., a Person Coming Under the Juvenile Court Law. The People v. Santos M.

We affirm the order committing Santos to CYA. Marchiano, P.J. We Concur: Stein, J., Margulies, J. (Not for Publication.)

Division Two

A098043 -- The People v. Leon Seymour.

The order is affirmed. Lambden, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

A096323 -- George Robert Smith et al. v. Mobile Oil Corporation.

The trial court's judgment is affirmed. Ruvolo, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

Division Three

A098336 -- James Bullard et al. v. San Francisco Residential Rent Stabilization Board.

The order denying Landlords' petition for administrative mandamus is reversed. Landlords shall recover their costs on appeal. Parrilli, J. We Concur: McGuinness, P.J., Corrigan, J. (Certified for Publication.)

A096538 -- The People v. Robert Lawrence Huffman.

The judgments of conviction are affirmed. Pollak, J. We Concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

Friday, February 21, 2003 (continued)

Division Five

A098194 -- The People v. Joseph W. Garcia.

The judgment is affirmed. Jones, P.J. We Concur: Stevens, J., Simons, J.
(Not for Publication.)

Monday, February 24, 2003

Division One

A098488 & A098489 -- Heller Ehrman White & McAuliffe LLP v. Gemstar-TV Guide International, Inc.

The judgment is affirmed. Swager, J. We Concur: Stein, Acting P.J., Margulies, J. (Not for Publication.)

Division Two

A100139 -- In re Rachel B., a Person Coming Under the Juvenile Court Law. The People v. Rachel B.

The order adjudicating appellant a ward of the court and placing her on probation in her parents' home are affirmed. Lambden, J. We Concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

A097107 -- California Advocates For Nursing Home Reform et al. v. Diana M. Bonta, as Director, etc., et al.

Accordingly, the judgment is reversed and the matter remanded to the trial court for further proceedings consistent with this opinion. Appellants are awarded their costs on appeal. Kline, P.J. We Concur: Lambden, J., Ruvolo, J. (Certified for Publication.)

A097346 -- The People v. Garrett Daniel Ekman.

The judgment appealed from is affirmed. Haerle, Acting P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication.)

A097682 -- The People v. Donald Phillip Moore

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

A101657 -- In re Romirico Remeidio, on Habeas Corpus.

By the Court: The petition for writ of habeas corpus is denied. Kline, P.J.

Monday, February 24, 2003 (continued)

Division Three

A096912 -- In re the Marriage of Sharon and Algin Ford.

By the Court: The petition for rehearing is denied. McGuiness, P.J.

A099079 -- In re James H. et al., Persons Coming Under the Juvenile Court Law. Social Services Agency v. Monica D.

A098500 -- In re Asia L., a Person Coming Under the Juvenile Court Law. Social Services Agency v. Robert L.

The orders terminating parental rights are reversed and the matter is remanded for further proceedings consistent with this opinion. Pollak, J. We Concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

A097539 -- The People v. Maxine Smith.

The December 24, 2001, order is affirmed. McGuiness, P.J. We Concur: Corrigan, J., Pollak, J. (Not for Publication.)

Tuesday, February 25, 2003

Division One

A096032 -- Anaheim Broadcasting Corporation v. Kola, Inc.; Thomas F. Lennon; Frederick R. Cote.

The order entered February 13, 2001, is affirmed. Swager, J. We Concur: Stein, Acting P.J., Margulies, J. (Not for Publication.)

A097287 -- In re Sergio R., a Person Coming Under the Juvenile Court Law. The People v. Sergio R.

Accordingly, the judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Margulies, J. (Certified for Partial Publication.)

Division Two

A096946, A097317 -- Belinda Van Tonder et al. v. Chevron Corporation et al.

The orders denying certification of shelter-in-place and punitive damage classes are reversed, and the matter is remanded to the trial court for further proceedings consistent with this opinion. Lambden, J. I Concur: Kline, P.J. (See dissenting opinion by Haerle, J.) (Not for Publication.)

Division Three

A098071 -- The People v. American Contractors Indemnity Company.

The February 4, 2002, order is affirmed. Respondent is awarded costs on appeal. McGuiness, P.J. We Concur: Corrigan, J., Pollak, J. (Not for Publication.)

A097986 -- The People v. Joseph A. Buggs.

The judgment is affirmed. McGuiness, P.J. We Concur: Corrigan, J., Pollak, J. (Not for Publication.)

Tuesday, February 25, 2003 (continued)

A099065 -- Ashley M. Moody et al. v. Tom Great Razooly.

The matter is remanded so that the judgment may be modified in accordance with this opinion. All parties shall bear their own costs on appeal. Pollak, J. We Concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR
Tuesday, February 25, 2003

The Court convened at 9:30 a.m. at its courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Kay, P.J., Reardon, J., and Rivera, J.; Pamela Aguilar, Deputy Clerk; CHP Officer Vincent Chambers, Bailiff.

- A098895 People
 v.
 Mark Robert Wilkes
Cause called. R. Charles Johnson argued via telephone on behalf of appellant Wilkes. Deputy Attorney General Joan Killeen argued for respondent. Cause submitted.
- A097207 People
 v.
 Dana Alan Bray
Cause called. Dennis P. Riordan argued on behalf of appellant Bray. Deputy Attorney General Martin S. Kaye argued for respondent. Cause submitted.
- A098171 People
 v.
 Ella W.
Cause called. Paul Kleven argued on behalf of appellant Ella W. Deputy Attorney General Jill Thayer argued for respondent. Cause submitted.
- A096550 Dennis T. Mangano
 v.
 Arthur Anderson
Cause called. Charles O. Morgan, Jr. argued on behalf of appellant Mangano. Christopher Ball argued for respondent. Cause submitted.

The Court adjourned at 10:49 a.m.

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR
Tuesday, February 25, 2003

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Kay, P.J., Reardon, J., and Sepulveda, J.; Channing Hoo, Deputy Clerk; Guardsmark Officer Michael Aurigui, Bailiff.

- A097769 People
 v.
 Kery N.
Cause called. Jeffrey Glick argued for appellant Kery N. Rene A. Chacon argued for respondent. Cause submitted.
- A097310 Edward Stolz II
 v.
 Daniel Craddock
Cause called. Edward A. Smith argued for appellant Stolz. John Nash argued for respondent. Cause submitted.
- A099443 Oliver Freed
 v.
 Alameda-Contra Costa Transit District
Cause called. Lawrence F. Padway argued for appellant Freed. Paul Sluis argued for respondent. Cause submitted.
- A090058 Louis G. Navellier et al.
 v.
 Kenneth G. Sletten
Cause called. Ralph Alldredge argued for appellant Sletten. Samuel Kornhauser argued for respondents. Cause submitted.

The Court adjourned at 2:59 p.m.

Tuesday, February 25, 2003 (continued)

Division Five

A095686 -- The People v. Valerie E. Campbell.

The judgment is affirmed. Jones, P.J. We Concur: Stevens, J., Gemello, J.
(Not for Publication.)

A099993 -- The People v. Obilio Perez.

The order revoking appellant's probation and the sentence imposed are affirmed. Jones, P.J. We Concur: Stevens, J., Simons, J. (Not for Publication.)

Wednesday, February 26, 2003

Division One

A097779 -- Steven M. Davis v. M. Chrysa Long et al.

The judgment in favor of defendants is reversed. Margulies, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

A096245 -- The People v. Michael Fenili et al.

The judgment is affirmed. Stein, Acting P.J. We Concur: Swager, J., Margulies, J. (Not for Publication.)

Division Two

A098027 -- The People v. Juan Echeverra-Romera.

By the Court: The petition for rehearing is denied. Haerle, Acting P.J.

A100969 -- Dale M. v. The Superior Court for the County of Lake; Lake County Department of Social Services, R.P.I.

The petition is denied on the merits. (Cal. Const., art VI, § 14 *Kowis v. Howard* (1992) 3 Cal.4th 888 [subsequent challenge by appeal barred]; § 366.26, subd. (1)(1).) The stay of the .26 hearing is lifted, and, given the need to proceed promptly with that hearing, our decision is final as to this court immediately (rule 24(d)). Lambden, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

A090642 -- The People v. Henry L. Pippins.

The Court: Order Modifying Opinion and Denying Rehearing. It is ordered that the opinion filed herein on January 30, 2001, be modified as follows: (See order.) There is no change in the judgment. Appellant's petition for rehearing is denied. Kline, P.J.

Wednesday, February 26, 2003 (continued)

Division Three

A099451 -- The People v. James W. Lowe.

Accordingly the judgment is modified by (a) striking the \$400 restitution fine imposed on February 21, 2002, as well as the \$800 restitution fine and the \$800 parole revocation fine imposed on June 25, 2002, and (b) reducing the parole revocation fine imposed on February 21, 2002, to \$200. The \$200 restitution fine imposed under subdivision (b)(2) of section 1202.4 remains in force. As modified, the judgment is affirmed. The trial court is hereby directed to prepare an amended abstract of judgment in accordance with this disposition and deliver it to the Department of Corrections. (See *Chambers, supra*, 65 Cal.App.4th at p. 823.)

McGuiness, P.J. We Concur: Corrigan, J., Pollak, J. (Not for Publication.)

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Wednesday, February 26, 2003

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California.

Present: Parrilli, J., Pollak, J., and I. Calanoc, Deputy Clerk.

Parrilli, J. announced that McGuiness, P.J. is unavailable for oral argument this date but will have access and will review the taped proceedings. Counsel agreed to waive Justice McGuiness's presence. The Court proceeded with oral argument. .

A097000 The People,

v.

Laurice L.

The panel for this case is comprised of McGuiness, P.J., Parrilli, J., and Pollak, J. Cause called and argued by Jeffrey Glick, counsel for appellant, and Jill Thayer, counsel for respondent. Cause ordered submitted.

A098745 Lyle Childers et al.,

v.

Cofab Steel Corporation.

Corrigan, J. approached the bench. The panel for this case is comprised of McGuiness, P.J., Corrigan, J. and Parrilli, J. Cause called and argued by James Hartman, counsel for appellant, and Morgan Smith, counsel for respondents. Cause ordered submitted.

A098769 Lyle Childers et al.,

v.

Tutor-Saliba Corporation.

The panel for this case is comprised of McGuiness, P.J., Corrigan, J. and Parrilli, J. Cause called and argued by Patricia Barlow, counsel for appellant, and Morgan Smith, counsel for respondent. Cause ordered submitted.

- A091076 The People,
v.
Gaylin Lynn Burleson.
The panel for this case is comprised of McGuiness, P.J., Parrilli, J. and Pollak, J. Cause called and argued by Neil Rosenbaum, counsel for appellant, and Catherine McBrien, counsel for respondent. Cause ordered submitted.
- A097972 Eddy Benoit,
v.
Micheline Benoit.
The panel for this case is comprised of McGuiness, P.J., Parrilli, J. and Pollak, J. Sarah Ryan, counsel for respondent, was present in court; however, appellant in pro-per Eddy Benoit did not appear for oral argument. Cause ordered submitted.
- A096228 Debra Wellman,
v.
Thomas C. Candiotti.
The panel for this case is comprised of McGuiness, P.J., Corrigan, J. and Pollak, J. Cause called and argued by Garrett Dailey, counsel for appellant, and Bernard Wolf, counsel for respondent. Cause ordered submitted.
- A095214 Washington Mutual Bank, FA,
v.
Fox, Shjeflo, Wohl, Newkold &
Hartley LLP.
The panel for this case is comprised of Corrigan, J., Parrilli, J. and Pollak, J. Cause called and argued by Scott Pearson, counsel for appellant, and Renee Berenson, counsel for respondent. Cause ordered submitted. Pollak, J. left the bench after this case.
- A097742 The People,
A097884 v.
Heritage Bail Bonds et al.
The panel for this case is comprised of McGuiness, P.J., Corrigan, J., and Parrilli, J. Cause called and argued by Patricia Kramer, counsel for appellants and Richard Flores, counsel for respondent. Cause ordered submitted.

COURT ADJOURNED

Wednesday, February 26, 2003 (continued)

Division Five

A100017 -- In re Socrates C., a Person Coming Under the Juvenile Court Law. The People v. Socrates C.

The order adjudicating appellant a continued ward of the court pursuant to Welfare and Institutions Code section 602 and committing him the CYA is affirmed. Stevens, Acting P.J. We Concur: Simons, J., Gemello, J. (Not for Publication.)

A099751 -- In re Nicholas H., a Person Coming Under the Juvenile Court Law. The People v. Nicholas H.

The order is affirmed. Stevens, J. We Concur: Jones, P.J., Gemello, J. (Not for Publication.)

A096130- -- The People v. Keomany Phat.

The judgment is affirmed. Gemello, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

Thursday, February 27, 2003

Division One

A096823 -- The People v. Maurice Williams.

The order revoking appellant's probation is affirmed. Stein, Acting P.J.
We Concur: Swager, J., Margulies, J. (Certified for Publication.)

Division Two

A093089 -- The People v. Michael James Caamal.

The judgment is modified to reduce the restitution fine under section 1202.4 to \$200 and to reduce the suspended parole revocation fine under section 1202.45 to \$200; the judgment as so modified is affirmed. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

A100297 -- In re Leo G., a Minor. Social Services Agency v. Ramona G.

By the Court: Appellant's attorney filed a letter with this court indicating there are no arguable issues. Appellant Ramona G. has failed to respond to our letter of January 15, 2003 giving her the opportunity to state any issues she feels should be reviewed on appeal. The appeal is therefore dismissed. (*In re Sade C.* (1996) 13 Cal.4th 952, 994.) Kline, P.J.

A097492 -- Curtis Mackey v. Bristol West Insurance Services of California, et al.

By the Court: The petition for rehearing is denied. Kline, P.J.

A100659 -- The People v. Jerry Mark Stewart.

By the Court: Appellant, Velda Stewart having failed to file a brief after notice given under rule 17(a)(1) of the California Rules of Court, the appeal as to Velda Stewart, only is dismissed. Time for filing the Attorney General's respondent's brief is extended to 30 days from the date of this order. Kline, P.J.

Thursday, February 27, 2003 (continued)

Division Three

A097972 -- In re the Marriage of Micheline Benoit and Eddy Benoit.

The judgment is affirmed. Costs are awarded to respondent. Parrilli, J.
We Concur: McGuinness, P.J., Pollak, J. (Not for Publication.)

A098721 -- In re Daniel J., a Person Coming Under the Juvenile Court Law. The People v. Daniel J.

The dispositional order and the CYA commitment are modified to reflect a nine-year maximum period of confinement. The order is otherwise affirmed. Parrilli, J. We Concur: Corrigan, Acting P.J., Pollak, J. (Not for Publication.)

A097000 -- In re Laurice L., a Person Coming Under the Juvenile Court Law. The People v. Laurice L.

The judgment is affirmed. Pollak, J. We Concur: McGuinness, P.J., Parrilli, J. (Not for Publication.)

A098422 -- In re Sergio M., a Person Coming Under the Juvenile Court Law. The People v. Sergio M.

By the Court: The petition for rehearing is denied. McGuinness, P.J.

A090211 -- Marilyn V. v. Oakland Unified School District.

The judgment is affirmed. Parrilli, J. I Concur: Pollak, J. (See dissenting opinion by Corrigan, J.) (Not for Publication.)

Division Four

A098122 -- Modesta Aquino et al. v. Asiana Airlines, Inc., et al.

The Court: The petition for rehearing filed by respondents on February 13, 2003, is denied. The opinion filed herein on January 31, 2003, is ordered modified: (See order.) These modifications do not appear in the published portion of this opinion. There is no change in the judgment. Kay, P.J. (Certified for Partial Publication.)

Thursday, February 27, 2003 (continued)

A099695 -- Colvin Oil Company et al. v. City of Crescent City et al.

The judgment is affirmed. Sepulveda, J. We Concur: Kay, P.J., Rivera, J.
(Not for Publication.)

A097379 -- The People v. Alfred Gibbs, Jr.

The sentence is vacated and the matter is remanded for resentencing. In all other respects the judgment is affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication.)

A097310 -- Edward R. Stolz II v. Daniel Craddock.

The judgment of dismissal is affirmed. Reardon, J. We Concur: Kay, P.J., Sepulveda, J. (Not for Publication.)

A097557 -- The People v. Mark Robert Wilkes.

The judgment is affirmed. Reardon, J. We Concur: Kay, P.J., Rivera, J.
(Not for Publication.)

Division Five

A096975 -- American States Insurance Company v. Gail Castillo.

The judgment is affirmed. Simons, J. We Concur: Jones, P.J., Stevens, J.
(Not for Publication.)

MINUTES
COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

DIVISION FIVE

Thursday, February 27, 2003

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Jones, P.J.; Stevens, J.; Simons, J., Gemello, J., and Richard H. Sandvik, Deputy Clerk.

A09707 Shea Home Limited Partnership et al.

2

v.

County of Alameda

Cause called and argued by Kathy M. Banke, counsel for appellants, and by Thomas M. Jacobson and Trent W. Orr, counsel for respondents. Cause ordered submitted.

A09738 Shea Home Limited Partnership et al.

7

v.

County of Alameda

Cause called and argued by Kathy M. Banke and David P. Lanferman, counsel for appellants, and by Thomas M. Jacobson and Trent W. Orr, counsel for respondents. Cause ordered submitted.

A09745 Shea Home Limited Partnership et al.

4

v.

County of Alameda

Cause called and argued by David P. Lanferman, counsel for appellants, and by Thomas M. Jacobson and Trent W. Orr, counsel for respondents. Cause ordered submitted.

A09849 The People

7

v.

Bulmaro Gonzalez Ramirez

Cause called and argued by Alexander P. Green, counsel for appellant, and by Rene Chacon, counsel for respondent. Cause ordered submitted.

A09896 Stephanie Huyssoon

0 v.

Pet Food Express et al.

Cause called and argued by John D. Moore, counsel for appellant, and by David Weintraub, counsel for respondent. Cause ordered submitted.

A09884 In re Nichelle R., a Person Coming Under the Juvenile Court Law
6 The People
 v.
 Nichelle R.
 Cause called and argued by Violet Elizabeth Grayson, counsel for appellant,
 and by Catherine A. Rivlin, counsel for respondent. Cause ordered submitted.

A09670 The People
7 v.
 Yolanda Martinez Ponce
 Cause called and argued by Mark Shenfield, counsel for appellant, and by
 Laurence Sullivan, counsel for respondent. Cause ordered submitted.

At this point in the proceedings Justice Gemello left the bench and Justice Simons took her place.

A09731 Kenneth Kral et al.
5 v.
 Scottsdale Horizon et al.
 Cause called and argued by Sandra J. Shapiro, counsel for appellant, and by
 Michael P. Vernab, counsel for respondent. Cause ordered submitted.

A09622 Ruth G. Holloway-Garcia
1 v.
 Paula A. Brown et al.
 Cause called and argued by Norman E. Garcia, counsel for appellant, and by
 Joseph W. Klobas, counsel for respondent. Cause ordered submitted.

A09958 In re Leanne U., a Person Coming Under the Juvenile Court Law
0 Social Services Agency
 v.
 Joseph U.
 Cause called and argued by Sheri M. Cohen, counsel for appellant, and by Julie
 S. Werble, counsel for respondent, appearing via teleconference call. Cause
 ordered submitted.

At this point in the proceedings Justice Stevens left the bench and Justice Gemello took his place.

A09865 The People

6 v.

Sheila Ann Dwyer

Cause called and argued by Victor J. Morse, counsel for appellant, and by
Bruce Ortega, counsel for respondent. Cause ordered submitted.

A09850 In re Cornell M., a Person Coming Under the Juvenile Court Law
1 The People
 v.
 Cornell M.
 Cause called and argued by Richard L. Braucher, counsel for appellant, and by
 Seth Schalit, counsel for respondent. Cause ordered submitted.

Court recessed at 12:07 until 1:00 p.m.

Court reconvened at 1:00 p.m.

A09822 Susan Timney et al.
9 v.
 Steve Lin et al.
 Cause called and argued by John P. McDonnell, counsel for appellant, and by
 Stanley W. Smith, counsel for respondent. Cause ordered submitted.

A09696 Innovacom, Inc.
5 v.
 Michael D. Haynes
 Cause called and argued by Leonard J. Martiniak, counsel for appellant, and by
 Stewart D. Aaron and Alan Lazarus, counsel for respondent. Cause ordered
 submitted.

A09858 The People
6 v.
 Lora Ann Chadwick
 Cause called and argued by Kathryn A. Seligman, counsel for appellant, and by
 Linda M. Murphy, counsel for respondent. Cause ordered submitted.

Court adjourned at 2:25 p.m.

Thursday, February 27, 2003 (continued)

A094900 -- The People v. Christopher White.

A096512 -- The People v. Jason E. Fishbain.

The judgments are reversed. Simons, J. We Concur: Jones, P.J., Gemello.
(Not for Publication.)

Friday, February 28, 2003

Division Two

A096709 -- The People v. Darren Cleveland.

The judgment is affirmed. Kline, P.J. We Concur: Haerle, J., Lambden, J.
(Not for Publication.)

A095337 -- The People v. Richard Hodges.

By the Court: The petition for rehearing is granted. The above-entitled case will be set for the March calendar, date and time to be advised. Kline, P.J.

A099543 -- Gregory Varner v. Allstate Insurance Company, et al.

By the Court: Appellant having failed to file a brief after notice given under rule 17(a)(1) of the California Rules of Court, the appeal is dismissed. Kline, P.J.

Division Three

A098769 -- Lyle Childers et al. v. Tutor-Saliba Corporation.

The order granting a new trial is affirmed. Appellants shall recover their costs on appeal. Parrilli, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

A098745 -- Lyle Childers et al. v. Cofab Steel Corporation.

The order granting a new trial is affirmed. Appellants shall recover their costs on appeal. Parrilli, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

A092667 -- The People v. Carlos Delgado.

By the Court: The petition for rehearing is denied. McGuiness, P.J.

Friday, February 28, 2003 (continued)

A097742 & A097884 -- The People v. Heritage Bail Bonds et al.

The judgments are reversed. Appellants shall recover their costs on appeal. Parrilli, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

A095225 -- Insurance Commissioner of the State of California v. Golden Eagle Insurance Company; Forty-Niner Subaru/Isuzu, et al.

The March 22, 2001, order is affirmed. Corrigan, Acting P.J. We Concur: Parrilli, J., Pollak, J. (Not for Publication.)

A097978 -- Oakland Unified School District v. United Administrators of Oakland Schools.

The judgment is reversed in part and affirmed in part. The matter is remanded to the superior court with directions to modify its judgment by (1) deleting from the judgment's title, the words "AS CORRECTED"; (2) deleting paragraphs (b), (c), (d), and (e); and (3) adding the following provisions: "(b) the petition to correct the arbitrator's award is denied; (c) The cross petition to confirm the arbitrator's award is granted; and (d) The arbitrator's award is confirmed. The appellant is awarded costs on this appeal. Corrigan, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

A099663 -- In re Llamar V., a Person Coming Under the Juvenile Court Law. The People v. Llamar V.

There are no meritorious issues to be argued. The judgment is affirmed. Corrigan, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

A096285 -- The People v. Montrell Vines.

The judgment is affirmed. Corrigan, Acting P.J. We Concur: Parrilli, J., Pollak, J. (Not for Publication.)

A095214 -- Washington Mutual Bank, FA v. Fox, Shjeflo, Wohl, Newkold & Hartley LLP.

The judgment is reversed and the case remanded for retrial. WaMu is to recover its costs on appeal. Corrigan, Acting P.J. We Concur: Parrilli, J., Pollak, J. (Not for Publication.)

Friday, February 28, 2003 (continued)

A096228 -- In re Marriage of Debra Wellman and Thomas C. Candiotti; Debra Wellman v. Thomas C. Candiotti.

The order is affirmed. Corrigan, J. We Concur: McGuiness, P.J., Pollak, J. (Not for Publication.)

Division Four

A098895 -- Doyle Blankenship, Jr. v. Nacco Materials Handling Group, Inc.

The judgment is reversed and the cause is remanded for further proceedings. Plaintiff shall recover his costs of appeal. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

A097207 -- The People v. Dana Alan Bray.

A101529 -- In re Dana Alan Bray, on Habeas Corpus.

The sentence is vacated and the cause is remanded solely for the purposes of resentencing in conformity with this opinion; the judgment of conviction is affirmed in all respects. In view of the foregoing the writ of habeas corpus is denied as moot. Kay, P.J. We Concur: Reardon, J., Rivera, J. (Not for Publication.)

A099443 -- Oliver Freed v. Alameda-Contra Costa Transit District.

The judgment appealed from is affirmed. Sepulveda, J. We Concur: Kay, P.J., Reardon, J. (Not for Publication.)

A100099 -- City of Half Moon Bay et al. v. The Superior Court of San Mateo County; Joyce Yamagiwa, R.P.I.

The petition for writ of mandate and/or prohibition in case No. 417189 is denied, and the order to show cause is discharged. The stay issued by this court on September 17, 2002, shall remain in effect until the remittitur issues. (Cal. Rules of Court, rule 25(a).) Rivera, J. We Concur: Kay, P.J., Reardon, J. (Certified for Publication.)

Friday, February 28, 2003 (continued)

A098184 -- The People v. Daniel Wayne Inman

The judgment is ordered to be modified to strike the concurrent term imposed for assault with a deadly weapon. The trial court shall amend the abstract of judgment consistent with this decision. As modified, the judgment is affirmed. Reardon, J. We Concur: Kay, P.J., Rivera, J. (Not for Publication.)

A098092 -- The People v. Lawrence Joseph Mellion.

The judgment is affirmed. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

A098171 -- In re Ella W., a Person Coming Under the Juvenile Court Law. The People v. Ella W.

The judgment of the trial court is affirmed. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

Division Five

A095795 -- Jerry Davis v. County of San Mateo et al.

The judgment is reversed and the case is remanded for further proceedings consistent with this opinion. Davis shall recover his costs on appeal. Gemello, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

A097337 -- The People v. Michael Gregory Ledesma.

We affirm the judgment. Simons, J. We Concur: Jones, P.J., Stevens, J. (Certified for Partial Publication.)

A098846 -- In re Nichelle R., a Person Coming Under the Juvenile Court Law. The People v. Nichelle R.

The order denying the application for rehearing is vacated. The matter is remanded to the juvenile court, with instructions to reconsider the application in accordance with the views expressed herein. Stevens, J. We Concur: Jones, P.J., Gemello, J. (Not for Publication.)

Friday, February 28, 2003 (continued)

A099627 -- The People v. Francisco Alfredo Escobar Ramirez.

The judgment is affirmed. Simons, J. We Concur: Jones, P.J., Stevens, J.
(Not for Publication.)

A099673 -- The People v. Andrew S.

The orders of the juvenile court are affirmed. Stevens, J. We Concur:
Jones, P.J., Gemello, J. (Not for Publication.)

A098599 -- Dwight Winslow, as Medical Director, etc. v. Carlton Lee.

Lee raises only procedural objections to the trial court's order. He does not contest that the trial court had sufficient evidence before it to enter the order it did. Having concluded that Lee's procedural arguments do not support reversal, we must let the trial court's order stand. The order is affirmed. Gemello, J. We Concur: Jones, P.J., Simons, J. (Not for Publication.)